

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER MATHIESON,

Plaintiff/ Respondent on Counterclaim

DOCKET NO.
1:07-cv-08527-LAK

-against-

JOHN C. DENIRO,

Defendant/
Counterclaimant

**DEFENDANT/COUNTERCLAIMANT, JOHN C. DENIRO'S,
INTERROGATORIES TO CHRISTOPHER MATHIESON
PLAINTIFF/ RESPONDENT ON COUNTERCLAIM**

DEFINITIONS

1. "Plaintiff/ Respondent to Counterclaim" is defined as CHRISTOPHER MATHIESON, including any and all corporations, limited liability companies, limited liability partnerships, partnerships, or any other business entity that Plaintiff is affiliated with, as well as any directors, officers, shareholders, members, employees, agents, attorneys of the Plaintiff, and any other person under the plaintiff's control or supervision.
2. "Defendant/ Counterclaimant" is defined as JOHN C. DENIRO, including any and all corporations, limited liability companies, limited liability partnerships, partnerships, or any other business entity that Defendant is affiliated with, as well as any directors, officers, shareholders, members, employees, agents, attorneys of the Defendant, and any other person under the Defendant's control or supervision.
3. "You" is defined as the party to whom these Interrogatories are directed to being either the Plaintiff/ Respondent to Counterclaim or Defendant/ Counterclaimant.
4. "Person" is defined as an individual, corporation, limited liability company, limited liability partnership, partnership, or any other business entity.
5. "Date" is defined as the exact month, day and year, if ascertainable, or if not, the best approximation of the date.
6. "Document" is defined as the original and any non-incidental copy (different from

the original because of notations on such copy or otherwise) of any written or graphic matter or any other means of preserving thought or expression, and all tangible things from which information or thoughts can be processed or transcribed, including all files including all file jackets and all copies containing any addition matter, however, produced or reproduced, of any kind and description, in your actual or constructive possession, care, custody, or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, any matter relevant to this action, or which is itself listed below as a specific document, including, but not limited to correspondence, memoranda, notes, electronic mail, messages, letters, telegrams, teletyped messages, bulletins, diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, receipts, computer memory, word processing data, computer printouts, schedules, account records, patents, licenses, minutes of directors' meetings, minutes of shareholders' or other meetings, work assignments, transaction files, statistical records, security agreements, testing reports, newspaper or magazine articles, stories or clippings, affidavits, contracts, transcripts, surveys, graphic representations of any kind, photographs, graphs, microfilm, video tapes, tape recordings, DVD recordings, compact discs, motion pictures or other films no matter how the document is stored, maintained or organized.

INTERROGATORIES

1. The name and address of every person answering, or advising you in answering these Interrogatories.

ANSWER:

2. Have you ever been convicted of a crime, where the law under which you were convicted was punishable by death or imprisonment in excess of one year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction, the specific crime, the date and place of conviction.

ANSWER:

3. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter and, if so, state whether you were plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.

ANSWER:

4. With regard to the allegations in your statement in paragraph 19 of your Declaration of October 2, 2007, list each and every “deferred substantial earned commissions”, state the date the commission was earned, the amount and the identity of the property on which the commission was allegedly earned.

ANSWER:

5. With regard to the \$300,000 referred to in paragraph 29 of your Declaration of October 2, 2007, itemize each commission which you alleged to be contained in that total, indicating the dates the commissions were allegedly earned, the amount, and identify the sale or transaction on which the commissions were allegedly earned.

ANSWER:

6. Identify by listing the names and addresses of the persons referred to in paragraph 42 of your Declaration of October 2, 2007, as “JCD employees”.

ANSWER:

7. List all “accounts” referred to and described in paragraph 45 of your Declaration of October 2, 2007.

ANSWER:

8. Identify the source of what you “learned” as described in paragraph 49 of your Declaration of October 2, 2007.

ANSWER:

9. Describe in detail your experience in the real estate industry prior to October, 2002.

ANSWER:

10. Identify by stating the name and address of the "9" agents referred to in paragraph 8 of your Reply Declaration dated October 15, 2007.

ANSWER:

11. State the name and address of all witnesses to the alleged reprimand referred to in paragraph 15 of your Reply Declaration of October 15, 2007.

ANSWER:

12. State the basis for your “understanding” described in paragraph 51 of your Reply Declaration of October 15, 2007, and list all “litigations” described in that paragraph.

ANSWER:

13. List and itemize all damages you are claiming in this lawsuit by stating:

ANSWER:

- a) the amount of the damage;
- b) the date the damage was incurred; and
- c) the alleged cause of the damage.

14. List the names and addresses of all persons who are believed or known by you, your agents, or attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

ANSWER:

15. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in the lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

ANSWER:

16. List the names and addresses of all witnesses you may call at trial, describing the subject matter to which the witness will testify.

ANSWER:

17. List the names and addresses of all expert witnesses you intend to call at trial, describing the subject matter and opinion to which the expert witness will testify.

ANSWER:

18. From 2002 to the present, have you ever received treatment, therapy or counseling for substance use or abuse, psychological conditions or mental illness? If so, state the name and address of the provider of such service, and the dates of the treatment, therapy or counseling.

ANSWER:

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Robert S. Franklin
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SERVICE LIST

CHRISTOPHER MATHIESON V. JOHN C. DENIRO
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UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

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